

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN DUNBAR,

Defendant.

Case: 2:23-mj-30065

David R. Grand
United States Magistrate Judge

ORDER REGARDING DEFENDANT’S RELEASE ON BOND
PENDING COMPLETION OF DETENTION HEARING

On February 14, 2023, defendant Ryan Dunbar (“Dunbar”) was charged in a criminal complaint with Receipt and Possession of Child Pornography, in violation of 18 U.S.C. §§ 2252A(a)(2) and 2252A(a)(5)(B). The charges relate to three child pornographic images (and two cropped portions of one of the images) that Dunbar’s wife, Amber Dunbar (“Amber”), texted to him between July and November 2022. Amber was the subject of a child sexual exploitation investigation, and on December 7, 2022, law enforcement executed a search warrant at her residence. Amber was questioned and admitted to recording three videos of her engaging in sexual activity with a minor and distributing the videos on Kik. Amber did not implicate Dunbar in the sexual activity, the videotaping of that activity, or the Kik distribution of the videos.

On December 9, 2022, Dunbar voluntarily contacted the FBI and advised that Amber had sent him photos of a naked minor girl. Dunbar also admitted to engaging in a text chat with Amber about “what they want to do sexually with this minor,” though Dunbar asserted “he did not have a sexual interest in children and only engaged in these conversations to go along with Amber Dunbar.” Dunbar’s phone was seized and he consented to a search, which turned up the aforementioned photos. A forensic review revealed that one of the photos (and cropped versions)

was last accessed in July 2022, one was last accessed in October 2022, and one was last accessed in November 2022. Agents also found text messages of the type Dunbar had admitted to.

On December 8, 2022, Amber was arrested and charged in a criminal complaint in this Court (Case No. 22-mj-30518) with Production and Distribution of Child Pornography, in violation of 18 U.S.C. §§ 2251 and 2252A(a)(2). She consented to detention and has since been indicted (Case No. 22-20667). All the while, Dunbar has remained free and has been residing with his sister and her husband.

As noted above, on February 14, 2023, more than two months after Amber's arrest and Dunbar's admissions, the United States brought the instant charges against Dunbar. However, Dunbar was not arrested and was allowed to report to duty court on February 21, 2023, for his initial appearance. Dunbar appeared as scheduled along with his retained counsel. Pretrial Services interviewed Dunbar, verified all of his information with his mother, aunt, and sister, noted that he had no criminal history whatsoever, and recommended that Dunbar be released on a bond with very strict conditions. The United States, however, asked that Dunbar be held in temporary detention for one day, proffering no reason other than that the nature of the charges and the disturbing text message in the criminal complaint establish Dunbar's dangerousness.

Although the Court recognizes that the charges against Dunbar are extremely serious and the text message verbiage is disturbing, the government does not allege that Dunbar sought out child pornography. Nor does the government allege that Dunbar played any role in Amber's physical sexual abuse of the minors in question, or in the distribution of that material. The government's forensic review of Dunbar's phone showed that he had not been regularly accessing the photos Amber had sent him, and most had not been accessed in the preceding five months.

Moreover, at least without any additional information – and none was proffered at the time of Dunbar’s initial appearance – the fact that no charges were filed against Dunbar until more than two months after his admissions to agents, and that he was permitted to voluntarily report to duty court for his initial appearance, belies the government’s contention that Dunbar should be detained pending completion of a full detention hearing.

18 U.S.C. § 3142(f)(2) provides that the defendant “may be detained pending completion of the hearing.” While the Court should have specified that it was proceeding under this provision of the statute, that is how it treated the situation in light of the foregoing circumstances. To that end, the Court notes that it gave the parties the opportunity to proffer facts and argument regarding the detention question, asked the Pretrial Services Officer to provide details regarding Dunbar’s background as well as its recommendation regarding detention or bond, and then asked the Pretrial Services Officer to read into the record the extensive and very restrictive bond conditions he had determined would be appropriate based on his interview of Dunbar and his review of Dunbar’s background information. The Court confirmed with Dunbar that he understood the bond conditions and would agree to follow them, and that he knew he would need to report back to duty court the next day.¹ The Court then had Dunbar sign the bond paperwork, and he was released pending completion of the detention hearing.

SO ORDERED.

¹ The Eastern District of Michigan opened as usual the next day, on February 22, 2023, but during the late morning hours the Court was closed due to impending inclement weather. While duty court proceeded as scheduled notwithstanding the Court’s closure, because of the weather, the government and Dunbar agreed to postpone the continuation of his detention hearing until February 23, 2023. The Court has also been closed on February 23rd due to the continuing poor weather conditions. Accordingly, **IT IS ORDERED** that Dunbar shall appear in duty court on **February 24, 2023, at 1:00 p.m.**

Dated: February 23, 2023
Ann Arbor, Michigan

s/David R. Grand
DAVID R. GRAND
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 23, 2023.

s/Eddrey O. Butts
EDDREY O. BUTTS
Case Manager